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C O N F I D E N T I A L STATE 059768

SENSITIVE
SIPDIS
GUATEMALA FOR ELIZABETH MANGINI

E.O. 12958: DECL: 06/09/2024
TAGS: [ETTC](#) [KOMC](#) [GT](#)
SUBJECT: BLUE LANTERN LEVEL 3: POST-LICENSE/PRE-SHIPMENT
END-USE CHECK ON LICENSE 050146439

REF: A. IIR 6 838 0172 09 OF 12 MAY 2009
[1](#)B. 07 GUATEMALA 801

Classified By: Daniel J. Buzby, for reasons 1.4(a), (b), and (d)

[1](#)1. (U) This is an Action Request. See paragraphs 2 - 4.

[1](#)2. (U) The Department's Office of Defense Trade Controls Compliance (PM/DTCC) requests Post's assistance in conducting a post-license/pre-shipment check on license 050146439 for the export of night vision and helmet visors to Guatemala. Post is requested to complete this Blue Lantern check within 30 days. Lack of response to a Blue Lantern check will affect pending and future licenses involving parties to this license.

[1](#)3. (C) Reason for Request: According to REFTEL A, Gregorio Valdez and Guatemalan company "Piper" have been involved in attempts to import defense articles without proper authorization. At the bottom of the DSP-83 Nontransfer and Use Certificate submitted with this license, a line reads "Gregorio Valdes, Legal Representative, AMK Trading S.A." This form appears to be a reproduction of a USG-approved DSP-83. In addition, previous information on AMK Trading S.A. indicates that AMK Trading and Distribuidora Piper S.A. share the same address. Also Guatemalan company Aire Libre is listed in REFTEL A as a company with which Mr. Valdez and "Piper" have had a business relationship. Aire Libre is owned by the same individual as Guatemalan company Corpo Q, which was the subject of an unfavorable Blue Lantern check in 2007 (REFTEL B). This check is to determine if the foreign consignee on this license, Distribuidora Piper S.A., is the same company as "Piper" listed in REFTEL A. This check is also to establish the bona fides of this transaction.

[1](#)4. (C) Action Request: Post is requested to establish the bona fides of Distribuidora Piper S.A. by making inquiries to representatives of the company and appropriate officials of the Guatemalan Government. Specifically, Post is requested to determine if Distribuidora Piper S.A. is the same company as that in REFTEL A and if the company is authorized to import and sell the items listed below. Post is also requested to verify if Distribuidora Piper S.A. has any relationship with Gregorio Valdez or AMK Trading S.A. Finally, Post is requested to confirm that the Ministry of Defense ordered the defense articles listed below. The following points are included for guidance:

(To Distribuidora Piper S.A.)

--When was your company established and who are its principals?

--What goods and services does your company provide? Who are

your regular customers and where do they reside?

--Can you confirm the order of the night vision devices and helmet visors listed on this license application? Will you ever have physical possession of the items during the course of this transaction?

--The DSP-83 Nontransfer and Use Certificate signed by Sergio Alejandro Lopez lists Gregorio Valdes as a legal representative of AMK Trading S.A. What is your company's relationship to Mr. Valdes and/or AMK Trading? Is AMK Trading involved in this transaction? if so, in what capacity? From where or whom did you receive the DSP-83 that you signed for this transaction?

--Are you familiar with the regulations governing the import of U.S.-origin defense articles, including restrictions on re-transfer or re-export?

(To Government of Guatemala)

--Did MOD order the night vision devices and helmet visors listed on this license?

--Is Distribuidora Piper S.A. authorized to import these defense articles into Guatemala? Is Distribuidora Piper S.A. authorized to sell these defense articles in Guatemala? Do you have any information on Distribuidora Piper S.A. that would question their reliability as a recipient of U.S. defense articles?

In its reply, Post is encouraged to comment on any information pertinent to this transaction such as security of facilities, end-use, and concerns about the entities involved.

15. Details of license applications:

DTC Case: 050146439

QUANTITY/COMMODITY:

8 M949 (AN/AVS9) Generation III Aviator Night Vision Goggles

8 Mount V1A Assembly for M949 (AN/AVS9) Generation III Aviator Night Vision Goggles

8 Complete Dual Visor Kit for SPH4-B Helmets

License Value: USD \$79,840

SELLER:

Nightline, Inc.
10705 SW 104th Street
Miami, FL 33176

FOREIGN CONSIGNEE:

Distribuidora Piper S.A.
Hangar #7 Aropuerto La Aurora Zona 13
Guatemala City, Guatemala
Tel: 502-2283-6264

FOREIGN END-USER:

Guatemala Ministry of Defense
2 Avenida 4-63 Zona 13
Guatemala 01010
Guatemala

PURPOSE:

For use by the Air Force to combat terrorism and protect the security of Guatemala

16. Submitted in support of the license application were the following documents (PM/DTCC will fax documentation to Posts upon request):

Signed DSP-83 Nontransfer and Use Certificate signed by Lee Grasheim (Nightline) dated 12 Feb 2009, Marco Tulio Garcia Franco (MOD) dated 16 Dec 2008, and Sergio Alejandro Lopez (Distribuidora Piper) dated 16 Dec 2008 (NOTE: The bottom of this document has a line which reads "Gregorio Valdes, Legal Representative, AMK Trading S.A." This form appears to be a duplicate of a USG approved DSP-83)

End-User Certificate issued by the Ministerio de la Defensa Nacional listing Contract/Purchase Order No: NL-2312-143DP/FAG

Fax/Purchase Order from Distribuidora Piper S.A. Purchase Order No. NL-2312-143DP/FAG signed by Ana Lucia Garcia of Distribuidora Piper S.A. dated 19 January 2009

¶7. Please slug reply for PM/DTCC - BLUE LANTERN COORDINATOR and include the words "Blue Lantern" and the case number in the subject line. POC is Kyle M. Ballard, Phone: 202-663-1929; Email: BallardKM@state.gov; SIPRNET: BallardKM@state.sgov.gov. The Blue Lantern Guidebook (ref) is available as a PDF file in the Bunche Library's E-Book Collection on the DOS Intranet: [http://virtuallibrary.state.gov/BlueLanternGuidebook2006%2520 final .pdf](http://virtuallibrary.state.gov/BlueLanternGuidebook2006%2520%20final.pdf)

¶8. Department is grateful for Post's assistance in this matter.
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